

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**KRISTOPHER WATFORD**

**PLAINTIFF**

**v.**

**Civil No. 1:20-cv-37-HSO-RHWR**

**MICHAEL WARREN and  
CITY OF BILOXI**

**DEFENDANTS**

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND  
RECOMMENDATION [29] AND DISMISSING THE CASE**

BEFORE THE COURT is United States Magistrate Judge Robert H. Walker’s Report and Recommendation [29], which recommends that this civil action be dismissed. R. & R. [29] at 1. After due consideration of the Report and Recommendation [29], the record, and relevant legal authority, the Court finds that the Magistrate Judge’s Report and Recommendation [29] should be adopted as the finding of this Court, and that Plaintiff Kristopher Watford’s claims should be dismissed without prejudice.

**I. BACKGROUND**

**A. Factual background**

On January 29, 2020, Plaintiff Kristopher Watford (“Plaintiff” or “Watford”) filed a Complaint [1] against Biloxi Police Department, K9 Police Dog Tyson, and Biloxi Police Officer Michael Warren, alleging that the Biloxi Police Department

used excessive force when arresting him, and that a police dog bit him twice. Compl. [1] at 4. The resulting injuries from the dog bite include a hernia and “some very nasty and embarrassing scars.” *Id.* Plaintiff filed suit seeking \$500,000.00 in damages.

B. Procedural history

After Watford filed his Complaint [1], the Magistrate Judge entered an Order [6] granting Watford’s Motion [2] to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Order [6] (filed under seal). Defendants filed their Answer [17] on June 23, 2020, and filed a Motion [23] for Summary Judgment on May 5, 2021. Plaintiff did not respond to the Motion [23], despite the Court ordering Plaintiff to do so on two separate occasions. *See* Order [26], [27].

On October 18, 2021, the Magistrate Judge entered a Report and Recommendation [29] recommending that the case should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to obey orders of the Court. Neither party has filed an objection to the Report and Recommendation, and the time for doing so has passed.

II. DISCUSSION

Where no party has objected to the Magistrate Judge’s report and recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”). When there are no objections, the Court applies the “clearly

erroneous, abuse of discretion and contrary to law” standard of review to the report and recommendation. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted this required review, the Court concludes that the Report and Recommendation [29] is neither clearly erroneous nor contrary to law. The Court will adopt the Magistrate Judge’s Report and Recommendation [29] as the opinion of this Court. Plaintiff has failed to diligently prosecute his case and has repeatedly violated Court orders. The Court warned Plaintiff in numerous Orders that it was his responsibility to diligently prosecute his case, or the case could be dismissed. *See* Orders [4], [6], [7], [8], [10], [12], [26], [27]. Plaintiff was specifically ordered to respond to Defendant’s Motion [23] for Summary Judgment in two separate Orders, *see* Order [26], [27], and failed to do so. The Court finds that dismissal without prejudice is appropriate.

### III. CONCLUSION

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [29] of United States Magistrate Judge Robert H. Walker entered in this case on October 18, 2021, is **ADOPTED** in its entirety as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, this civil action is **DISMISSED WITHOUT PREJUDICE** for Plaintiff's failure to prosecute and to follow the Court's orders. A separate judgment will be entered in accordance with this Order as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED**, this the 14th day of January, 2022.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE